



Wilson Sonsini Goodrich & Rosati
PROFESSIONAL CORPORATION

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Message: ATTACHED ARE THE FOLLOWING DOCUMENTS FOR USSN 10/560,558, ATTY DOCKET 30951-701.831:

LETTER TO EXAMINER LIN WITH TRUE AND ACCURATE COPY OF:

1. RENEWED REQUEST FOR STATUS UNDER 37 CFR 1.42
2. DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION UNDER 37 CFR 1.63
3. DECLARATION UNDER 37 CFR 1.42
4. STAMPED RETURN POSTCARD
5. EXPRESS MAIL LABEL
6. DECISION ON PETITION

Ref: 30915-701.831

Return Original to: Ann Lygas

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March 14, 2008

VIA FACSIMILE: 571-273-0459

Bryan Lin
PCT Legal Examiner
PCT Legal Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application Entitled
*Nutraceutical for the prevention and treatment of cancers and diseases
affecting the liver*
Application No.: 10/560,558
Filing Date: December 12, 2005
Inventors: Can V. Bui and Cuong Q. Bui
Our File No. 30915-701.831

Dear Examiner Lin:

A Renewed Request for Status under 37 CFR 1.42 was Express Mailed to the U.S. Patent Office on August 27, 2007, well within the two month deadline for response to the Decision on Petition mailed July 19, 2007. According to a telephone conversation today with the PCT Help Desk, it did not make it to the file. Attached is a true and complete copy of the Renewed Request for Status under 37 CFR 1.42, including a Declaration for Utility or Design Patent Application under 37 CFR 1.63, a Declaration Under 37 CFR 1.42, a copy of the stamped return postcard, and a copy of the Express Mail Label. We ask that the Renewed Request for Status under 37 CFR 1.42 be granted so that this application can move forward.

Very truly yours,

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

Peter R. Munson
Reg. No. 43,821

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Enclosure

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Title: Nutraceutical for the prevention and treatment of cancers and diseases affecting the liver		
Inventors/Applicant: BUI et al.		IAP6 Rec'd PCT/PTO 27 AUG 2007
Application Serial No: 10/560,558		Filing Date: 6/10/03
Type of Application: <input type="checkbox"/> Provisional <input checked="" type="checkbox"/> Original <input type="checkbox"/> CIP <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> PCT		
<input type="checkbox"/> Transmittal of Patent Application <input type="checkbox"/> Specification and Abstract _____ pages <input type="checkbox"/> Claim _____ pages <input type="checkbox"/> Drawings _____ pages <input type="checkbox"/> Missing Parts of Application Transmittal <input checked="" type="checkbox"/> Declaration/Oath <input type="checkbox"/> Decl./Power of Atty <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Pwr of Atty by Assignee <input type="checkbox"/> Assignment/Form PTO-1595 <input type="checkbox"/> PCT International Appln Request Form _____ pages <input type="checkbox"/> PCT Transmittal _____ pages <input type="checkbox"/> Specification _____ pages <input type="checkbox"/> Claims _____ pages <input type="checkbox"/> Abstract _____ pages <input type="checkbox"/> Drawings _____ pages	<input type="checkbox"/> Fee Transmittal <input type="checkbox"/> Filing Fee \$ <input type="checkbox"/> Claims in excess \$ <input type="checkbox"/> Independ. claims in excess \$ <input type="checkbox"/> Multiple Dep. Claims \$ <input type="checkbox"/> Surcharge \$ <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO/SB/08 with _____ references <input type="checkbox"/> Amendment/Response <input type="checkbox"/> Extension of time (____ mo.) <input type="checkbox"/> RCE Transmittal <input type="checkbox"/> Issue Fee <input type="checkbox"/> Formal Drawings	<input type="checkbox"/> Extension of Time fee \$ <input type="checkbox"/> RCE fee \$ <input type="checkbox"/> Issue fee/adv order \$ <input type="checkbox"/> Other fee (____) \$ <input type="checkbox"/> Chapter II Demand/Fee Sheet <input type="checkbox"/> Response-Invitation to Correct <input type="checkbox"/> Article 19 Amendment <input type="checkbox"/> Article 34 Amendment <input type="checkbox"/> Response to Written Opinion
<input checked="" type="checkbox"/> Express Mail Certificate No: <u>EV 517731215US</u> <input type="checkbox"/> First Class Mail <input checked="" type="checkbox"/> Authorization to Charge Deposit Account No. <u>23-2415</u>	<input type="checkbox"/> Other: Renewed Request for Status Under 37 CFR 1.42 with Declaration of Legal Representative	
Attorney Docket No. <u>30915-701.831</u> Attorney: <u>Vicki G. Norton, Reg. No. 40,745</u>	Date Mailed: <u>August 27, 2007</u>	

Please Stamp and Return this Postcard to Confirm Receipt of the Above

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of BUI et al.

U.S. Application No. 10/560,558

PCT/US2004/018380

Int. Filing Date: 10 June 2004

Priority Date Claimed: 13 June 2003

For: Nutraceutical for the prevention and treatment
of cancers and diseases affecting the liver

Express Mail Label Number EV517731215US

Date of Deposit: *August 21, 2007*

I hereby certify that the following attached documents: Renewed Request for Status under 37 CFR 1.42, Declaration for Utility or Design Patent Application under 37 CFR 1.63, and Declaration under 37 CFR 1.42, are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above in an envelope addressed to Mail Stop PCT, Commissioner for Patents, Office of Legal Administration, PO BOX 1450, Alexandria VA 22313-1450.

Ann Lygas
Ann Lygas

Mail Stop PCT

Commissioner for Patents

Office of Legal Administration

PO Box 1450

Alexandria VA 22313-1450

Renewed Request for Status under 37 CFR 1.42

In response to the Decision mailed 19 July 2007, Applicant submits a Declaration for Utility or Design Patent Application under 37 CFR 1.63 with an attached Declaration Under 37 CFR 1.42 signed by the legal representative of the deceased inventor for the above-identified patent application.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Attorney Docket No. 30915-701.831).

Respectfully submitted,
WILSON SONSINI GOODRICH & ROSATI

Dated: August 27, 2007

By: Vicki G. Norton
Vicki G. Norton
Reg. No. 40,745

650 Page Mill Road
Palo Alto, CA 94304-1050
(650) 493-9300
Customer No. 021971

Under the Paperwork Reduction Act of 1993, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) <input type="checkbox"/> Declaration Submitted With Initial Filing OR <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16(e) required))		Attorney Docket Number	30915-701.831
		First Named Inventor	Can V. BUI
		COMPLETE IF KNOWN	
		Application Number	10/560,558
		Filing Date	12/12/05
		Art Unit	1654
		Examiner Name	Not Yet Assigned

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Nutraceutical for the prevention and treatment of cancers and diseases affecting the liver

(Title of the Invention)

the specification of which

☐ is attached hereto

OR

☒ was filed on (MM/DD/YYYY) 12/12/2005 as United States Application Number 10/560,558 or PCT InternationalApplication Number PCT/US04/18380 and was amended on (MM/DD/YYYY) 12/15/2005 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				Yes	No
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

(Page 1 of 2)

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EV517731215US

DECLARATION — Utility or Design Patent Application

Direct all correspondence to:	<input checked="" type="checkbox"/> Address associated with Customer Number	021971	OR	<input type="checkbox"/> Correspondence address below
Name				
Address				
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		650-493-6811	@wsgr.com	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.				
NAME OF SOLE OR FIRST INVENTOR:		<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname		
Can V.		BUI		
Inventor's Signature		Date		
Declaration of Legal Representative attached				
Residence: City	State	Country	Citizenship	
Harvey	LA	US	US	
Mailing Address				
2072 Spanish Oaks Drive				
City	State	ZIP	Country	
Harvey	LA	70058	US	
NAME OF SECOND INVENTOR:		<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname		
Inventor's Signature		Date		
Residence: City	State	Country	Citizenship	
Mailing Address				
City	State	ZIP	Country	
<input type="checkbox"/> Additional inventors or legal representative are being named on the _____ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto:				

Declaration of Legal Representative on Behalf of Deceased Inventor (37 CFR 1.42)

I, Cuong Q. Bui, son of the deceased, hereby declare that I am a citizen of the United States of America, residing at 2072 Spanish Oaks Drive, Harvey, Louisiana 70058, and that I am executing and signing the declaration to which this is attached as legal representative of Can V. Bui, a citizen of the United States of America.

That, upon information and belief, I aver those facts that the inventor is required to state.

8/24/07

Date


Signature of legal representative



UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of BUI et al
U.S. Application No.: 10/560,558
PCT Application No.: PCT/US2004/018380
Int. Filing Date: 10 June 2004
Priority Date Claimed: 13 June 2003
Attorney Docket No.: 30915-701.831
For: NUTRACEUTICAL FOR THE
PREVENTION AND TREATMENT OF
CANCERS AND DISEASES AFFECTING
THE LIVER

DECISION

This is in response to the papers filed 27 December 2006, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 10 June 2004, applicant filed international application PCT/US2004/018380, which claimed priority of an earlier United States application filed 13 June 2003. The thirty-month period for paying the basic national fee in the United States expired on 13 December 2005.

On 12 December 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 November 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 27 December 2006, applicant filed the present request for status under 37 CFR 1.42 along with an executed declaration.

DISCUSSION

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

Effective 07 November 2000, 37 CFR 1.497(b)(2) specifies that, where a person making the declaration is the legal representative of a deceased inventor, the declaration shall state the following: (1) the relationship of the person to the inventor, (2) the facts the inventor would have been required to state, upon information and belief, (3) that the person is the legal representative of the deceased inventor, and (4) the citizenship, residence, and mailing address of the legal representative.

The declaration filed 27 December 2006 is not executed by the sole heir or legal representative on behalf of the deceased inventor.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is DISMISSED without prejudice.

If reconsideration on the merits of the request is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Request for Status Under 37 CFR 1.42".

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

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